

FILED & ENTERED

JAN 05 2018

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY bakchell DEPUTY CLERK

NOT FOR PUBLICATION

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re

JAQUELINE GUARDADO,

Debtor.

Case No. 2:17-bk-18383-RK

Chapter 7

**ORDER (1) REOPENING CASE AND
(2) VACATING THE DISMISSAL**

Pending before the court is the Motion to Reopen ("Motion") (Docket No. 19) filed by Jaqueline Guardado ("Debtor") on December 19, 2017 in which she essentially requests that this bankruptcy case not only be reopened, but the dismissal of the case be vacated. Debtor filed copies of her paystubs on July 11, 2017 (Docket Number 5), but failed to attach a declaration with the copies of payment advices (pay stubs) to the Motion. The case was dismissed on October 25, 2017 for failure of Debtor to file copies of payment advices (pay stubs) because of the missing declaration. Debtor has now

1 filed a declaration for the copies of the payment advices (pay stubs) as part of the
2 Motion.

3 Accordingly, IT IS HEREBY ORDERED for the reasons stated in the Motion:

- 4
- 5 1. This Chapter 7 bankruptcy case is reopened pursuant to 11 U.S.C. § 350(b),
6 Federal Rule of Bankruptcy Procedure 5010, and Local Bankruptcy Rules
7 5010-1 and 9013-1(q).
- 8 2. The order for dismissal of the case (Docket Number 15), filed and entered on
9 October 25, 2017 is vacated pursuant to Local Bankruptcy Rule 1017-2(c),
10 Federal Rule of Bankruptcy Procedure 9024 and Federal Rule of Civil
11 Procedure 60(b)(1) for excusable neglect because she inadvertently failed to
12 submit a declaration with the copies of her payment advices (pay stubs) when
13 she filed these copies on July 11, 2017.
- 14 3. The court deems the Declaration by Debtor as to Whether Income was
15 Received from An Employer within 60 Days of the Petition Date (F 1002-
16 1.EMP.INCOME.DEC) included with the Motion as compliance with the
17 requirement to file payment advices (pay stubs) under 11 U.S.C. §
18 521(a)(1)(B)(iv).
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22 **IT IS SO ORDERED.**

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25 Date: January 5, 2018

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Robert Kwan
United States Bankruptcy Judge

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